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Summary record of the 3491st meeting
Held at the Palais Wilson, Geneva, on Tuesday, 3 July 2018, at 10 a.m.

Chair: Ms. Jelić (Vice-Chair)

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Ms. Jelić (Vice-Chair) took the Chair.

The meeting was called to order at 10.05 a.m.

Organizational and other matters, including the adoption of the report of the Working Group on Communications (*continued*)

Draft general comment No. 36 on article 6 of the Covenant (*Right to life*) (*continued*) (CCPR/C/GC/R.36/Rev.4)

1. **The Chair** invited the Committee to resume the second reading of its draft general comment No. 36 on article 6 of the International Covenant on Civil and Political Rights (Right to life), beginning with paragraph 14.

Paragraph 14

2. **Mr. Shany** (Rapporteur for the general comment) said that the final sentence of paragraph 14 should be amended to say that States parties should not resort to the use of "less-lethal weapons" in situations of crowd control that could be addressed through less harmful means, especially situations involving the exercise of the right to peaceful assembly.

3. *Paragraph 14, as amended, was adopted.*

Paragraph 15

4. **Mr. Shany** said that paragraph 15 had been introduced to clarify the relationship between the provisions in the Optional Protocol to the Covenant concerning the receipt and consideration of communications from individuals claiming to be victims of rights violations and the broader set of rights and obligations set out under the Covenant. Although some Committee members and States parties had previously expressed concern that the wording of the paragraph would create a very open-ended right to bring cases under the Optional Protocol, there had been no intention to propose a change to the relevant rules of standing traditionally applied under the Optional Protocol.

5. Accordingly, and in view of the comments submitted by States parties and other stakeholders on the draft document adopted on first reading, the first sentence could be amended to refer to "obligations to respect and ensure the right to life and to provide effective remedies to victims of violations of the right to life". In line with the proposals of the Governments of Canada and the Netherlands, the references to article 1 of the Optional Protocol appearing in square brackets should be retained in order to underscore the fact that the Optional Protocol was somewhat more restrictive in scope, but, as proposed by the Government of Portugal and in view of the issue of attribution, the word "directly" could be deleted. Amnesty International, which was generally not in favour of the paragraph because it felt that it could be construed as restricting the right of access, had proposed that the first sentence should be modified to refer to effective remedies. In addition, the Government of the Netherlands had proposed that the language could be amended to specify that it was necessary for individuals claiming to be victims of a violation to show that their rights had been violated by acts or omissions attributable to the States parties to whose jurisdiction they were subject. Those changes would cover both direct and indirect violations of the right to life by States parties.

6. **Mr. de Frouville** said that the language used in the paragraph was restrictive in scope and that it was inappropriate to include a definition of the term "victim" under the Covenant and the Optional Protocol in a general comment on the right to life, as doing so would restrict the access of victims to redress under the Optional Protocol. Moreover, the Committee should retain flexibility in terms of its ability to characterize the concept of victimhood. The paragraph would limit the Committee's ability to consider article 1 of the Optional Protocol in the light of any relevant developments that had occurred in domestic jurisprudence since its adoption, as had taken place in the cases of *E.H.P. v. Canada* (CCPR/C/17/D/67/1980) and *Toonen v. Australia* (CCPR/C/50/D/488/1992).

7. **Mr. Heyns** said that the paragraph could be misinterpreted in a way that restricted the application of the right to life. There was reason to believe that the paragraph should be

omitted altogether but, if it were to be retained, it should be rephrased to make it even more clear that the requirements for qualifying as a victim were specific to the procedures used by the Committee and did not apply to domestic courts.

8. **Mr. Fathalla** said that the paragraph could be omitted but that, if it were retained, the first sentence should be redrafted in order to clarify the link between State party obligations and the duty to provide effective remedies.

9. **Ms. Kran** said that she wished to associate herself with the comments made by Mr. de Frouville, Mr. Heyns and Mr. Fathalla. Extreme care must be taken in summarizing the admissibility criteria applied by the Committee in some past cases and in considering how that might impact domestic protections in terms of the justiciability of individual claims in some national jurisdictions. That could be of particular importance in cases involving, for example, homelessness and its serious implications for health. In view of the interdependence and indivisibility of all human rights, it was essential to maintain flexibility in applying such criteria and, for that reason, she was in favour of deleting the paragraph.

10. **Mr. Politi** said that it was important to emphasize that the paragraph, if retained, referred solely to the competence and activities of the Committee in order to forestall restrictive interpretations of the rights of victims by domestic courts. However, it would be preferable to delete the paragraph entirely.

11. **Ms. Cleveland** said that her understanding of the rationale for including the paragraph was that prior discussions had focused on the need to reassure States parties that the general comment would not alter the scope of the right to bring an individual claim under article 1 of the Optional Protocol. If the paragraph were to be retained, it would be important to make it clear that its contents were simply a statement of the Committee's jurisprudence, rather than an attempt to create a special standard for article 6. The paragraph could also be rephrased to state that alleged victims must claim, rather than show, that their rights were affected by acts or omissions attributable to States parties.

12. **Mr. Shany** said that he concurred with the view that the paragraph was not a general comment on the Optional Protocol and thus should not be retained. He did not concur, however, with two of the other reasons given for its removal: that it would send the wrong message to domestic jurisdictions, and that it would somehow "fix" the Committee's jurisprudence. In fact, the paragraph did nothing more than to provide some reassurance to States parties that the Committee was not changing its approach to victimhood.

13. After a discussion in which **the Chair**, **Mr. de Frouville**, **Mr. Heyns**, **Ms. Cleveland**, **Ms. Brands Kehris**, **Mr. Koita** and **Mr. Politi** took part, **the Chair** said that she took it that a consensus had been reached by the Committee members to delete the paragraph.

14. *Paragraph 15 was rejected.*

Paragraph 16

15. **Mr. Shany** said that the arbitrary deprivation of life was a relative concept. The purpose of paragraph 16 was to introduce the notion that the right to life — as important as it was — was not absolute and that there were certain, very limited, circumstances under which the arbitrary deprivation of life would not constitute a violation of article 6 of the Covenant. The concept of arbitrariness was key in that regard and was subsequently elaborated upon in paragraph 18.

16. The Government of Portugal had found that the first sentence was a source of some confusion. That sentence could be deleted, as it was more stylistic than substantive. With regard to the last sentence, the International Commission against the Death Penalty had proposed that the language should be altered to refer not only to countries that had not ratified the Second Optional Protocol to the Covenant but also to those that were not parties to other international instruments providing for the abolition of the death penalty.

17. **Mr. Fathalla** said that a reference to other treaties should be avoided as the paragraph specifically addressed States parties to the Covenant.

18. **Mr. Heyns** said that it would be useful to retain the first sentence in order to refute the misconception that the right to life was absolute. Moreover, it would be useful to introduce an additional sentence in paragraph 16 or 18 to clarify the fact that the deprivation of life was considered arbitrary when it was impermissible under international law or under more protective domestic standards. The sentence to that effect that appeared in the African Union's general comment No. 3 on the African Charter on Human and Peoples' Rights might serve as a point of reference.

19. **Mr. de Frouville** said that paragraph 16 weighed down the text and did not serve any specific purpose, for it simply introduced ideas that would be expanded upon in later paragraphs.

20. **Ms. Kran**, agreeing with the points made by Mr. Heyns, said that the definition of arbitrary deprivation of life that he had proposed could be incorporated into paragraph 18, since it dealt with the notion of arbitrariness.

21. **Ms. Cleveland** said that she, too, was in favour of retaining the first sentence of paragraph 16. She also supported the proposal to include a reference, in the final sentence, to other international instruments that restricted the application of the death penalty. The existing wording implied that States that had not ratified the Second Optional Protocol were limited only by the standards set forth in article 6 (1) of the Covenant, which was not the case if those States were parties to another relevant international instrument.

22. **Ms. Brands Kehris** said that some of the concerns that had been raised could be addressed by reordering the first few paragraphs of section II. She was not convinced that the definition of arbitrariness proposed by Mr. Heyns would add a great deal to the text.

23. **Mr. Santos Pais** said that he agreed with the points made by Ms. Kran, Mr. Heyns and Ms. Cleveland.

24. **Mr. Shany** said that it would make sense to incorporate the explanation of arbitrariness proposed by Mr. Heyns into a later paragraph. He was not inclined to revisit the structure of section II, and he did not agree that paragraph 16 weighed down the text; on the contrary, it was an introductory paragraph that helped readers to situate themselves in the text.

25. There seemed to be a general consensus that the first sentence of the paragraph should be retained, but the Committee had not yet decided whether to include a reference, in the final sentence, to other international instruments that restricted the application of the death penalty, as had been proposed by Amnesty International.

26. **Mr. Politi** said that it was important to include such a reference, so as to avoid any implication that some States could apply the death penalty for crimes other than the most serious crimes.

27. **Mr. de Frouville** said that he was not sure which international instruments were relevant in that context, other than the Vienna Convention on Consular Relations, to which there was already a reference in paragraph 46 of the draft general comment.

28. **Mr. Shany** said that relevant international instruments included Protocols Nos. 6 and 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty.

29. **The Chair** said that she took it that the Committee wished to retain the first sentence of the paragraph, to include a reference to other international instruments that restricted the application of the death penalty and to adopt paragraph 16, as amended.

30. *Paragraph 16, as amended, was adopted.*

Paragraph 17

31. **Mr. Shany** said that paragraph 17 dealt with the interplay between the requirement that the right to life should be protected by law and the requirement that no one should be arbitrarily deprived of life.

32. The Russian Federation had objected to the words "a trial conducted in violation of domestic laws" on the grounds that a trial could not be considered to constitute a violation of domestic law because the verdict could be overturned on appeal. He proposed replacing "trial" with the more comprehensive term "legal proceedings" in order to address that concern.

33. The International Commission against the Death Penalty had questioned the use of the word "generally" in the final sentence. That word had been used to convey the fact that some minor technical violations of criminal procedure would not affect the outcome of proceedings and that a sentence handed down in such a case would therefore not necessarily be arbitrary. In order to clarify the notion of arbitrariness as proposed by Mr. Heyns, the phrase "life-protecting laws" could be replaced with "life-protecting domestic or international laws" so as to make it clear that violations of international law could render the deprivation of life arbitrary in nature.

34. **Ms. Cleveland** said that it had been pointed out that paragraph 17 was not consistent with paragraph 11 of the Committee's general comment No. 35 on article 9 of the Covenant (Liberty and security of person), which stated that arrests or detentions could be in violation of the applicable law but not arbitrary, or legally permitted but arbitrary, or both arbitrary and unlawful. Paragraph 17, on the other hand, implied that any deprivation of life that lacked a legal basis was arbitrary in nature.

35. **Mr. de Frouville** proposed amending the wording of the second sentence to convey the idea that the concepts of unlawfulness and arbitrariness overlapped only partially, inasmuch as deprivation of life could be in violation of the applicable law but not arbitrary, or legally permitted but arbitrary, or both arbitrary and unlawful, but that a deprivation of life that lacked a legal basis was also arbitrary.

36. **Mr. Heyns** said that replacing "life-protecting laws" with "life-protecting domestic or international laws" would do little to clarify the notion of arbitrariness.

37. **Mr. Shany** said that the wording of paragraph 17 did not mirror that of general comment No. 35 on article 9 of the Covenant (Liberty and security of person) because articles 6 and 9 of the Covenant were not worded in precisely the same way. He had sought to convey the idea that the concepts of unlawfulness and arbitrariness overlapped only partially by using qualifiers such as "as a rule" and "generally"; the distinction between the two was further emphasized in paragraph 18 of the draft.

38. **Mr. de Frouville** said that the word "generally" was vague and did not help to convey the distinction between the two concepts.

39. **Mr. Shany** proposed replacing "the two requirements overlap" with "the two requirements partly overlap".

40. **Ms. Cleveland**, endorsing Mr. Shany's suggestion, proposed replacing "is, as a rule, arbitrary in nature" with less categorical wording, such as "can be arbitrary in nature".

41. **Mr. Shany** said that the removal of "as a rule", as proposed by Ms. Cleveland, would dilute the sentence.

42. **The Chair** said that she took it that the Committee wished to replace "trial" with "legal proceedings" and "the two requirements overlap" with "the two requirements partly overlap".

43. *Paragraph 17, as amended, was adopted.*

Paragraph 18

44. **Mr. Shany** said that the reference to the notion of "arbitrariness" also appeared in general comment No. 35. In the present paragraph, it was applied in regard to the use of lethal force in self-defence. Although the Governments of France and Poland had expressed concern over the inclusion of "warnings", he deemed the reference useful and supported its retention. The Government of the Netherlands had enquired whether the reference to "private property" in the last sentence could be construed as also covering government property, which it could not. While the Government of the Russian Federation had

proposed equating the notions of "arbitrariness" and "unlawfulness", the Committee's jurisprudence drew a clear distinction between the two. The Government of the United States of America had recommended that the Committee should frame its recommendations as best practice, rather than using imperative terms. He was, however, disinclined to heed that request, as the application of the right to life in the context of the use of lethal force in law enforcement must not be left to States' discretion.

45. The International Commission of Jurists (ICJ) and the American Civil Liberties Union (ACLU) had requested that the word "reasonable" should be removed. ACLU had also requested the deletion of the phrase "as far as possible" so as to clarify that the use of force must always be directed exclusively against the attacker. While he did not object to the proposal, it should be noted that the reference, as it stood, concerned the intention of the person exercising self-defence to direct the use of force against the attacker only, although another person might be hurt accidentally. Amnesty International had requested a more explicit reference to paragraph 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). That organization had also requested the deletion of all references to "non-lethal" and their replacement with the words "other alternatives" or "less-lethal alternatives". There had also been a proposal to add the word "potentially" before "lethal force".

46. In view of the foregoing, he proposed that the first two sentences and the last sentence should remain unaltered but that the third sentence should be amended to read:

> "In order not to be qualified as arbitrary under article 6, the application of potentially lethal force by a person acting in self-defence, or by another person coming to his or her defence, must be necessary in view of the threat posed by the attacker; it must represent a method of last resort after non-lethal alternatives, including warnings and non-lethal neutralization, have been exhausted or deemed inadequate ... the force applied must be carefully directed only against the attacker; and the threat responded to must be extreme, involving imminent death or serious injury."

47. **Mr. Muhumuza** said that the word "domestic" in the first sentence did not change the substance of that sentence and should be deleted.

48. **Ms. Cleveland**, supporting the proposed amendments, noted that the word "deliberate" in the last sentence qualified the use of lethal force for law enforcement purposes. As it was used nowhere else in the paragraph, it might best be deleted.

49. **Mr. Heyns** said that it was important to bear in mind that general comments must be user-friendly. Reflecting on the logical structure of the draft, he had noted that paragraph 16 contained definitions of the right to life and arbitrary deprivation of life, that paragraph 17 addressed issues pertaining to the legal basis of deprivation of life, and that paragraph 18 concerned the right to life in the context of self-defence. It might thus be preferable to move the first two sentences of paragraph 18, which defined the notion of "arbitrariness", to paragraph 16. Paragraph 18 would then commence with the words: "In order not to be qualified as arbitrary ...".

50. He supported the proposal to insert the word "potentially" before "lethal force" in the second sentence and to delete the word "reasonable", which could be replaced with "strictly". He also supported the deletion of the phrase "as far as possible"; although bystanders might be affected, the lethal force must never be directed at anyone but the attacker. The reference to "private property" could be replaced with a more general reference to "property".

51. **Mr. de Frouville**, supported by **Ms. Kran**, said that the Committee must guard against excessive detail that might undermine the clarity of the document and give way to overly narrow interpretations. He supported the proposals to replace the term "reasonable" with "strictly necessary" and delete "extreme gravity". The phrase "the amount of force applied cannot exceed the amount strictly needed for responding to the threat" was redundant, as the idea was already contained in the concept of proportionality in the previous sentence and could therefore be deleted.

52. **Mr. Santos Pais** said that he supported the proposed amendments; the decision whether to move the first two sentences to paragraph 16 should be left to the rapporteur.

53. **Ms. Kran** proposed including the words "to life or serious bodily harm" after "intended to address threats" in the last sentence.

54. **Mr. Politi** said that he had reservations about the proposal to move the first sentence to paragraph 16. There was merit in retaining the definition of the notion of arbitrariness at the beginning of paragraph 18.

55. **Mr. Shany** said that he could go along with the proposal to delete the word "domestic" in the first sentence or to replace it with the wording used in general comment No. 3 on the African Charter on Human and Peoples' Rights. He did not support the proposal to move the first two sentences to paragraph 16 because doing so would disrupt the logical structure of the document, which was based on the structure of article 6 of the Covenant. He supported the proposals to replace the notion of reasonableness with the words "strictly necessary", delete the term "as far as possible", and replace "the threat responded to must be extreme, involving imminent death ..." with "the threat responded to must involve imminent death ...". The word "deliberate" in the final sentence could be deleted. The reference to private property should be retained, in particular in the light of the concerns raised by the Government of the Netherlands.

56. **Ms. Brands Kehris** said that the reference to extreme gravity should be retained.

57. **The Chairperson** suggested that Mr. Shany should prepare a revised version of paragraph 18 for circulation to the Committee for its consideration at a future meeting.

58. *It was so decided.*

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

Paragraph 19

59. **Mr. Shany** said that the Government of the Russian Federation had taken issue with what it perceived as the binding nature of the requirements set forth in paragraph 19, noting that neither the Code of Conduct for Law Enforcement Officials nor the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) were legally binding instruments. The Government of the United States had expressed similar concerns. However, in his view, the repeated use of the word "should" in reference to the requirements set forth in paragraph 19 attested to their non-binding nature and was sufficiently clear. ACLU had requested that the text should be amended to clarify that the obligation to prevent arbitrary deprivation of life applied to all State officials, including those in law enforcement and other security agencies. He proposed replacing the term "law enforcement organs" with "law enforcement officials, including soldiers charged with law enforcement missions" and "agents" with "officials", both in paragraph 19 and in paragraph 14, in order to accommodate that concern. By the same token, the word "police" in the second sentence should be deleted. He was also in favour of incorporating Amnesty International's proposal to replace the term "non-lethal means" by "less-lethal means".

60. If those proposals were acceptable to the Committee, the relevant portion of paragraph 19 would then be amended to read:

> "States parties are expected to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials, including soldiers charged with law enforcement missions. [...] mandatory reporting and review and investigation of lethal incidents, and other life-threatening incidents, and the supplying of forces responsible for crowd control with effective 'less-lethal' means and adequate protective equipment in order to obviate their need to resort to lethal force."

61. *Paragraph 19, as amended, was adopted.*

Paragraph 20

62. **Mr. Shany**, supported by **Mr. Politi**, said that, on the basis of technical observations submitted to the Committee, he recommended replacing "may continue to apply the death penalty" with "are not legally barred from applying the death penalty" in order to more accurately reflect the Committee's position. The Government of the United States had commented that protocols for administering new drugs should be based on best practices rather than legal obligations, but the regulation of activities that could violate the right to life was a legal requirement by virtue of article 6 of the Covenant. The Government of the Netherlands had proposed that the paragraph should be divided into two subparagraphs, one of which should deal specifically with the death penalty; however, in his view, it was valid and, indeed, useful to discuss the death penalty within the broader context of the safeguards that should be provided for by law.

63. **Mr. de Frouville** said that the paragraph could be omitted altogether, given that the first sentence repeated elements of paragraph 17, the aspects of the death penalty discussed in the second sentence would be covered in more detail later on in the text, and the examples given in the final two sentences of activities that could result in the deprivation of life were incongruous.

64. **Mr. Santos Pais** said that the paragraph merited inclusion because it helped laypeople to understand the rationale for article 6 of the Covenant. Perhaps a third example could be provided to make the contrast between the existing two examples less stark.

65. **Mr. Heyns** said that he wished to know whether the Committee planned to mention the intentional lethal use of firearms, as referred to in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, either in paragraph 20 or elsewhere in the general comment.

66. **Mr. Politi** said that he wondered whether the same reference to "other international instruments providing for the abolition of the death penalty" that had been inserted in paragraph 16 should be added to paragraph 20 as well.

67. **Mr. Shany** said that he opposed removing the paragraph. The first sentence helped to differentiate the Covenant from the European Convention on Human Rights, which specified the permissible grounds for deprivation of life; the second sentence addressed the death penalty in the specific context of the arbitrary deprivation of life; and the examples cited in the final two sentences illustrated that certain activities which were not usually associated directly with the deprivation of life could have a right-to-life dimension.

68. Referring to other treaties on the abolishment of the death penalty could prove cumbersome in the context of paragraph 20, since it specifically cited article 6 (2), (4) and (5) of the Covenant; in order to avoid any doubt, the words "are not legally barred" could be changed to "are not legally barred under the Covenant". In the interests of brevity, the examples could be deleted.

69. **Mr. Muhumuza** said that the paragraph should also take account of situations where death was caused without the use of weapons.

70. **Mr. Shany** said that paragraphs 18 and 19, as redrafted, would address Mr. Muhumuza's concerns.

71. **The Chair** said that she took it that the words "may continue to apply the death penalty" should be replaced with "are not legally barred under the Covenant from applying the death penalty" and that the words "conditions for use of lethal weapons by the police or" should be removed.

72. ***Paragraph 20, as amended, was adopted with minor drafting changes.***

Paragraph 21

73. **Mr. Shany** said that the Governments of Denmark and the United Kingdom had suggested amending the first sentence to state that the deprivation of life through acts or omissions that violated provisions of the Covenant other than article 6 "may be arbitrary". However, given the importance of that principle, he considered the current wording — "is,

as a rule, arbitrary" — to be entirely appropriate. The Government of Japan had proposed that the paragraph should establish a clear cause-and-effect relationship between such violations and the deprivation of life; however, that could prove to be very difficult in practice, particularly in the case of due process violations. Lastly, while the Government of the Russian Federation had suggested that only courts could determine arbitrariness, the Committee had been doing so for a long time, and with good reason.

74. *Paragraph 21 was adopted.*

Paragraph 22

75. **Mr. Shany** said that paragraph 22 served as an introduction to the discussion of the two sources of the positive obligation to protect, by law, the right to life and the general duty to protect the right to life, namely, article 6 and article 2 (1), respectively. The two obligations complemented one another, as one focused on the duty to introduce a legal framework of protection and the other on the duty to take appropriate measures of protection.

76. With respect to the comments received on that paragraph, he supported the proposal made by the Governments of Australia and the United Kingdom to amend the paragraph slightly to refer to the obligation of States parties to protect life only from "all reasonably foreseeable threats" rather than "all foreseeable threats", which was too far-reaching. The Russian Federation had proposed alluding to the duty of States to define a list of illegal actions, but such obligations were already set out later in the general comment; for instance, paragraph 24 referred to the obligation of States parties to enact criminal prohibitions on all forms of arbitrary deprivation of life. He disagreed with the proposal made by the Government of the United States to change the title of part III of the general comment from "The Duty to Protect Life" to "Rights shall be protected by law", which appeared to reflect an overly narrow understanding of the scope of the positive obligations incumbent upon States parties. The Government of the United States had also commented that paragraph 22 did not state on what authority States parties were obliged to establish a legal framework and to protect the right to life. While that was true, that obligation was so fundamental to the Committee's reading of the Covenant that it did not seem necessary to refer to a specific article in the context of paragraph 22.

77. **Mr. de Frouville**, supported by **Mr. Shany**, said that, since the first sentence was intended to give effect to the right to life, it might be appropriate to incorporate the language used in article 2 (2) of the Covenant. The third sentence should not refer specifically to "legal measures", since the measures taken by States parties to protect life from foreseeable threats should go beyond a mere legal framework.

78. **Mr. Heyns** proposed that "legal measures" should be replaced with "legal and other measures".

79. **Mr. Shany** said that paragraph 22 deliberately emphasized the protection of the right to life under law: the general duty to protect life was dealt with elsewhere in the general comment.

80. **The Chair** said that the Committee would continue to discuss the wording of paragraph 22 at the next appropriate meeting.

The meeting rose at 1.05 p.m.

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International Covenant on Civil and Political Rights

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Summary record of the 3492nd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 3 July 2018, at 3 p.m.

Chair: Mr. Fathalla

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Consideration of reports submitted by States parties under article 40 of the Covenant

Initial report of Bahrain

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Mr. Fathalla (Vice-Chair) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Initial report of Bahrain (CCPR/C/BHR/1; CCPR/C/BHR/Q/1 and CCPR/C/BHR/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Bahrain took places at the Committee table.*

2. **Mr. Aldoseri** (Bahrain), introducing his country's initial report (CCPR/C/BHR/1), said that the people of Bahrain had harnessed their considerable economic, social and political expertise to create a modern society. In addition to the reform programme contained in the National Action Charter, the Government had implemented its 2015-2018 action programme entitled "Towards a just, safe and prosperous society" in order to institute a democratic political system, promote foreign relations, improve defence capabilities, combat terrorism and extremism, prevent hate speech and promote an environment conducive to the constructive participation of civil society and trade unions. The programme had achieved encouraging results, particularly in relation to education and the media, and had served to institute a climate of open dialogue and transparency.

3. On the basis of the recommendations made by the Independent Commission of Inquiry, which had been set up to investigate the events that had taken place in Bahrain in February and March 2011, criminal provisions had been reviewed to ensure that they were compatible with international standards. The Civil Settlement Initiative had been established to compensate the victims of those events, without prejudice either to the right of victims to settle amicably or to the criminal liability of perpetrators. Compensation totalling 3,120,000 dinars had been awarded in 52 cases, while 17 cases had been settled amicably. An article had been added to the Criminal Code to reaffirm the right to freedom of expression.

4. The National Consensus Dialogue had been convened to devise means of strengthening national unity and had led to Parliament being granted new legislative and oversight powers and to the review of electoral constituencies. Civil society organizations had been granted the right to observe elections. The National Consensus Dialogue had led to a large number of amendments to the Constitution and had been hailed as a model for enacting political and social change in the interests of a country and its people.

5. Also in accordance with the recommendations of the Independent Commission of Inquiry, the Special Investigation Unit had been established within the Public Prosecution Office and operated in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). It carried out investigations into wrongdoings that had led to torture, death or injury committed by public officials, including by persons in high-ranking positions.

6. Bahraini women had achieved significantly higher levels of participation in the labour force as well as in economic, cultural and social activities in the previous 18 years. Women held 9 of the 40 seats on the Shura Council and were represented in Parliament. They were also very active in the health sector, where they had accounted for 65 per cent of the workforce in 2017. Women were increasingly taking part in commercial and trade activity and running businesses.

7. Bahrain was recognized as a top destination for expatriates and their families, with most reporting high levels of satisfaction and feeling welcome in society. The Director-General of the International Organization for Migration had welcomed the efforts made by Bahrain to protect the rights of migrant workers. Bahrain had been categorized as a Tier 1 country in the June 2018 Trafficking in Persons Report by the United States Department of State.

8. Bahrain had acceded to the International Covenant on Civil and Political Rights in 2006, and the Covenant could be invoked directly before the courts. The Family Code No.

19 of 2017 provided many benefits to families and Bahraini women and served as a reflection of national unity and a rejection of all attempts to fuel sectarian divisions.

9. **Mr. de Frouville** said that the initial report of Bahrain was appreciated by the Committee and represented an important milestone. However, the 10-year delay in its submission was regrettable and he hoped that the State party would be able to submit future periodic reports on time. Moreover, while the report claimed that the values of tolerance and non-discrimination underpinned Bahraini society, the country's recent history, particularly the 2011 uprisings and their repression, called those claims into question. The Shiite community largely felt discriminated against by the Sunni authorities, and numerous reports from credible non-governmental sources indicated an increased use of repression against any form of opposition to the State. In addition, the revival of capital punishment, the reinstitution of the practice of judging civilians in military courts and the exponential rise in revocations of nationality and convictions against human rights defenders and trade unionists were points that the Committee would want to discuss.

10. He would welcome further information about the legal value of the Covenant in Bahrain; specifically, whether it took priority over domestic laws or merely administrative acts, how discrepancies between the Covenant and other laws were resolved and what mechanisms were in place for victims to invoke the Covenant before the courts. He wondered whether there had been any cases in which a court had recognized the supremacy of the Covenant or an individual had successfully invoked it.

11. The State party had not indicated whether it planned to withdraw its reservations to the Covenant. Its reservation to articles 3, 18 and 23 was too general and therefore incompatible with the object and purpose of the Covenant; the State party should clarify the scope of that reservation. Similarly, the scope of its reservation to article 9 (5) should be made explicit. He wished to renew the call for the State party to indicate whether it intended to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

12. It was not clear how the State party had included civil society in the preparation of its report and how it planned to disseminate and implement the Committee's recommendations. He would be interested to learn whether the State party planned to establish a national mechanism for reporting and follow-up and to contact the Office of the United Nations High Commissioner for Human Rights (OHCHR) to receive technical assistance to that end.

13. With respect to the Family Code approved in July 2017, he would like to know the rationale behind the Ministry of Justice decision of August 2017 to require women under the age of 45 to be accompanied by a male guardian to take part in the Hajj. It remained unclear whether the Family Code enabled Sunni and Shiite cases alike to be judged by a unified court. Finally, he wished to know why the State party did not allow decisions issued by sharia courts in divorce cases to be appealed in the Court of Cassation.

14. **Mr. Heyns** said that the high level of independence of the Commission of Inquiry was welcome and its recommendations represented a very positive development. However, it was unclear whether all of the Commission's recommendations had been implemented, as conflicting reports had been received. He would appreciate clarification on that point, particularly because it seemed that there had been a reversal of some of the changes instituted in response to the recommendations. For example, it appeared that the main intelligence service had reacquired law enforcement powers, and that military courts were once again being used to try civilians.

15. With respect to sexual orientation and gender identity, he wished to know whether individuals of the same sex could be criminally prosecuted for engaging in public displays of affection, or whether only public conduct of a sexual nature was punishable by law.

16. A moratorium on the death penalty had been lifted in 2017. According to article 6 of the Covenant, in countries where it had not been abolished, the death penalty could be imposed only for the most serious crimes. However, it was his understanding that persons could be sentenced to death in the State party for committing crimes that were not traditionally considered to be of the most serious nature. Furthermore, there had been

allegations that the fairness of some trials in which the death penalty had been handed down had been deeply compromised. He was interested to know whether the State party planned to limit the imposition of the death penalty to the most serious crimes, if it were not to be abolished. In addition, he wished to know how many people were on death row in the State party. Moreover, he had been made aware that the death penalty had been used to quash political dissent, and that the State sought to hand down the death penalty to the leader of the main opposition political party. He would be grateful for the delegation's comment on that matter.

17. The State party had provided extensive information on the use of force in custodial settings. However, it would be interesting to know more about the use of force in non-custodial settings, such as demonstrations. In particular, he asked when law enforcement officials were permitted to use force on protesters and what constraints were imposed upon them. In that regard, it would be useful to be provided with a copy of Decree No. 24 of 2014 on the basic principles on the use of force and firearms, mentioned in paragraph 16 (c) of the State party's replies to the list of issues (CCPR/C/BHR/Q/1/Add.1). It would also be useful to know how many persons had been killed during demonstrations in the State party. The delegation should clarify the State party's position on the right of persons injured during demonstrations to receive medical treatment for their injuries.

18. **Mr. Muhumuza** said that he was pleased to learn that steps had been taken to tackle discrimination against persons with disabilities and other persons belonging to minorities, but he wished to know what judicial and administrative remedies were available to the victims of discriminatory acts. Moreover, he would appreciate information on all cases involving matters of discrimination brought before the courts, whether completed or under way. It would also be interesting to know what the most prevalent form of discrimination was and what the State party was doing to tackle it. The delegation should confirm whether the National Strategy for the Rights of Persons with Disabilities had expired in 2016. If that were the case, he would be interested to know what the Strategy's tangible outcome had been, how that outcome would inform the State party's efforts to guarantee the rights of persons with disabilities in the future, and whether a successor strategy had been put in place.

19. The State party's definition of terrorism set out in Act No. 58 of 2006 lent itself to such a broad interpretation that it could be used as the basis for violations of the rights of freedom of expression, association and assembly. Furthermore, the national counter-terrorism framework allowed military courts to try civilians. He was therefore interested to know how the definition of terrorism was applied in practice and why counter-terrorism legislation had been used as the basis for the arrest of human rights and political activists. In addition, he wished to know how many persons had been detained under Act No. 58 of 2006, regardless of whether their detention had resulted in a trial.

20. The Committee was concerned about reports of the arbitrary arrest and detention of opposition politicians and human rights activists in the State party. It would be useful to know whether the State party had taken any measures to ensure that procedural safeguards were respected during arrests and that the practical operations of the security forces conformed to the law. It would be interesting to learn how the State party measured improvements in the conduct of law enforcement officers during arrests and to receive any information collated for that purpose. He also wished to know how many complaints of unlawful arrest or arbitrary detention the State party received annually and how those complaints were addressed. He would appreciate more information on how the manual on procedures for arrest and pretrial detention and the Police Code of Conduct, as described in paragraph 135 of the State party's report, were implemented. Lastly, the delegation should bring the Committee up to date on the State party's plans to establish an independent mechanism for investigating allegations of police misconduct.

21. **Ms. Abdo Rocholl** said that she would appreciate an answer from the delegation to the question as to whether the State party planned to abolish the practice of polygamy. She asked what the minimum age for marriage was in the State party and whether there were plans to introduce a complete ban. She would be interested to know whether it was possible to obtain a divorce simply because one of the parties to a marriage no longer wished to be married. The delegation should indicate whether the State party had contemplated

introducing objective criteria to determine the most suitable custodian of a child based exclusively on his or her welfare, rather than on the age of the child or the will of the parties to the custodial arrangement. In addition, it was her understanding that Bahraini legislation denied women the right to pass on their nationality to their children or spouses. She wished to know whether the State party planned to change the law in that regard.

22. She would appreciate information on women's right to inherit property and on the types of employment that were inaccessible to women. Furthermore, it would be useful to know what proportion of public decision-making positions were occupied by women and to receive further information on the implementation of the National Plan for the Advancement of Bahraini Women 2013–2022 and its outcomes.

23. The delegation should inform the Committee of the current status of the bill providing for the derogation of article 353 of the Criminal Code concerning domestic and sexual violence against women. It would also be interesting to know whether the State party had taken any legislative steps to make marital rape a criminal offence. In addition, she would appreciate clarification as to whether law enforcement officers, public prosecutors and judges received training in how to address domestic violence. Lastly the delegation should provide information on the outcomes of the National Strategy on the Protection of Women against Domestic Violence.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

24. **Mr. Aldoseri** (Bahrain) said that his Government had adopted many measures to raise awareness of human rights in the country. Training and awareness-raising sessions had been organized in many ministries, citizenship and human rights courses had been taught in schools since the 2005/06 academic year and courses on human rights were taught in the University of Bahrain, some of which were compulsory for all students. Law students were provided with training in human rights, all students enrolled in the Royal Police Academy took compulsory courses in human rights, and the Academy hosted training sessions organized by various international organizations, such as the International Committee of the Red Cross.

25. Bahraini legislation promoted public participation in strengthening the human rights framework as it related to all groups, including children, the elderly and persons with disabilities, and in fields such as human trafficking, violence and family rights. In order to address family and women's issues, a Family Code had been promulgated in 2017, regulating family relations. The Supreme Council for Women had done much to address family issues, including by organizing training sessions, which were open to the public, on the integration and inclusion of women in society and on gender equality. The Supreme Council for Women had also made tremendous progress in empowering women and involving them in the sustainable development process. The launching of the Princess Sabeeka bint Ibrahim Al-Khalifa Global Award for Women's Empowerment had been announced at the sixty-second session of the United Nations Commission on the Status of Women.

26. Progress had also been made in the institutional and academic spheres. The Judicial and Legal Studies Institute, affiliated to the Supreme Judicial Council, had organized a number of training programmes for judges, public prosecutors and lawyers regarding international agreements and standards in areas such as human trafficking and domestic violence. The National Institution for Human Rights had organized conferences on civil and political rights, and the Bahrain Institute for Political Development had provided training and conducted research to support parliamentary and municipal elections, to promote the rule of law and to support organizations that promoted human rights.

27. Action had been taken to promote sustainable development and to protect and promote human rights despite existing challenges to the Kingdom's security. Acts of violence and terrorism had been addressed without undermining human rights and freedoms. A culture of human rights and democracy was being spread, in cooperation with educational and cultural institutions and civil society organizations. The rule of law and the impartiality and independence of the judiciary were core principles of governance, and the right to a fair trial in line with international norms was enshrined in the Kingdom's

Constitution and legislation. The legislature had established human rights committees in both the Chamber of Deputies and the Shura Council.

28. Measures had been taken to promote equality, tolerance and peaceful coexistence and to eliminate violence and incitement to hatred. The King Hamad Global Centre for Peaceful Coexistence promoted inter-faith dialogue and the sharing of values between civilizations and cultures and opposed extremism conducive to violence, hatred and terrorism. The Arab Court of Human Rights had been established in response to a proposal by the King of Bahrain. The Kingdom was also involved in developing an Arab human rights strategy and cooperated with the Arab Commission for Human Rights in monitoring the implementation of the Arab Charter on Human Rights. Bahrain was currently preparing a national human rights plan in cooperation with competent national and international bodies.

29. Bahrain had hosted the forty-second session of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Manama from 24 June to 4 July 2018, and two Bahraini sites had been included in the World Heritage List.

30. It was unacceptable to refer to the rights of minority or majority Sunni or Shia population groups, since the Kingdom was composed of a single united population and it rejected and prosecuted all forms of discrimination on sectarian grounds.

31. **Mr. Majbel** (Bahrain) said that every effort was made to ensure that national legislation reflected international human rights norms and the judiciary ensured that it was applied without any form of discrimination. Act No. 56 of 2006, whereby Bahrain had acceded to the Covenant, had been published in the Official Gazette and had therefore acquired the force of law and could be invoked before the courts, in accordance with article 37 of the Constitution. Article 105 (b) of the Constitution had been amended with a view to promoting security and stability. Act No. 12 of 2017, which amended the Military Courts Act, clearly defined terrorist acts, which were being perpetrated with greater frequency in recent times. The amendments ensured that military tribunals were independent and guaranteed a fair trial, and that accused persons had the right to appeal, in accordance with the provisions of the Code of Criminal Procedure. They reflected relevant United Nations Security Council resolutions and international and regional treaties.

32. Imposition of the death penalty called for a consensus among the judges in the court concerned, and provision had been made for multiple safeguards and guarantees of due process. The death penalty was imposed only for the most serious national security crimes or premeditated homicide, in line with article 6 of Covenant. The death penalty was prescribed by Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism and Act No. 15 of 2007 on Narcotic Drugs and Psychotropic Substances because such crimes represented a grave danger to society. The sentence could, however, be commuted by consensus. Bahrain also complied with the provisions of Economic and Social Council resolution 1984/50 concerning safeguards guaranteeing protection of the rights of those facing the death penalty.

33. With regard to deprivation of citizenship, a detailed response was contained in paragraphs 128 to 132 of the State party's replies to the list of issues.

34. With regard to reservations to the Covenant, Bahrain complied with articles 3, 18 and 23 provided they were consistent with article 2 of the Constitution, which stipulated that Islam was the State religion and that the Islamic sharia was the principal source of legislation, and with article 5 (b), which stipulated that the State guaranteed reconciliation of women's duties towards the family with their work in society and guaranteed their equality with men in the political, social, cultural and economic fields, provided the provisions of the Islamic sharia were not breached.

35. Freedom of belief and worship for all religions and denominations was guaranteed in Bahrain by the National Action Charter and the Constitution. Article 22 of the Constitution stipulated that freedom of conscience was absolute and that the State guaranteed the freedom to perform religious rites and hold religious parades and meetings, in accordance with the country's customs.

36. **Mr. Aldoseri** (Bahrain) said that the Ministry of Foreign Affairs convened regular meetings with civil society organizations and stakeholders in order to involve them in the preparation of reports for submission to the treaty bodies and the Universal Periodic Review Working Group. The High Coordinating Committee for Human Rights, which was chaired by the Minister for Foreign Affairs, was composed of representatives of public institutions and met every two months to monitor compliance with the Kingdom's international obligations, to respond to requests and to prepare reports.

37. **Mr. Alansari** (Bahrain) said that the Private Sector Labour Code (Act No. 36 of 2012) and the Civil Service Act promulgated by Decree-Law No. 48 of 2010 guaranteed equal treatment for workers of both genders.

38. The Trade Unions Act promulgated by Decree-Law No. 33 of 2002, as amended, guaranteed freedom of association. Bahrain was a pioneering country in the region in terms of social security and unemployment benefits. Decree-Law No. 78 of 2006 guaranteed unemployed Bahraini and foreign workers 60 per cent of their wages for a period of six months. Workers who were subjected to ill-treatment could file individual and group complaints, and the Ministry of Labour and Social Development guaranteed the right to litigation free of charge at all levels. There were also telephone hotlines in different languages, and awareness-raising documents had been published in 14 languages in order to acquaint migrant workers with their rights and duties. A system of flexible permits for migrant workers had been launched in 2017 to prevent exploitation by employers, to enable workers to seek alternative employment and to provide them with legal protection. Vigorous action was also being taken to combat trafficking in persons.

39. Decree-Law No. 21 of 1989 facilitated the establishment of cultural, youth, sports and other associations. For instance, administrative bodies were required to register associations of at least 10 members within 60 days of the submission of an application. Complaints could be filed if they failed to do so.

40. The Ministry of Labour and Social Development provided social and financial support to needy families pursuant to Act No. 18 of 2006 concerning social security, and it assisted family members in finding employment. Temporary shelters were provided for victims of family violence, including minors, and assistance was provided to beggars and homeless persons.

41. Article 20 of Act No. 74 of 2006 prescribed penalties for discrimination against persons with disabilities. For instance, employers were required to pay fines as well as all due arrears. Under Act No. 14 of 2017, the National Committee for Persons with Disabilities was tasked with developing a new National Strategy for Persons with Disabilities. The final draft was currently being discussed. More persons with disabilities were entering the labour market, and a highly specialized and well-equipped centre comprising nine buildings would be opened in 2019.

42. The list of jobs from which women were excluded was very short and sought to protect them, especially pregnant women, from risks stemming, for example, from the country's very hot climate and other health risks. Women currently made up 53 per cent of employees in the public sector and 34 per cent in the private sector. Both ratios were extremely high for the region.

43. **Mr. Aldoseri** (Bahrain) said that family courts were located in a single building. However, cases based on Jaafari Shia jurisprudence were addressed separately from those based on Sunni jurisprudence.

44. **Mr. Almoyed** (Bahrain) said that citizens were equal in terms of rights and obligations under the Constitution and domestic legislation. Women enjoyed the right to equal wages, in accordance with international instruments. The National Plan for the Advancement of Bahraini Women 2013–2022 aimed at building women's capacity to contribute to economic development, based on the principle of equality of opportunity, and to improve their quality of life.

45. Women acquired Bahraini citizenship on the same terms as men. If a Bahraini woman married a foreigner, she could retain her citizenship. If she had opted for her husband's nationality, she could recover Bahraini citizenship in the event of a divorce. A

draft amendment to the Bahraini Nationality Act would allow Bahraini women married to foreigners to grant Bahraini citizenship to their children in certain circumstances.

46. The King of Bahrain had endorsed Family Code No. 19 of 2017, which replaced that of 2009 and included provisions aimed at standardizing the legal status of Bahraini families. The Code protected the interests of all family members based on the Islamic sharia, as noted in paragraph 24 of the State party's replies to the list of issues. Women were now entitled to apply for a termination of marriage by means of *khul'* or annulment of the contract under certain conditions. Guardianship was normally a shared responsibility but custody depended, in the event of a divorce, on the best interests of the child and a ruling based on family court proceedings. All issues, including inheritance, were based on the provisions of the Islamic sharia.

47. Act No. 27 of 2018 amending certain rules governing the Court of Cassation had been promulgated on 1 July 2018. It allowed the Court to hear appeals against sharia court judgments.

48. The adoption of Act No. 17 of 2015 on Protection from Domestic Violence had led to the launch of a strategy on combating violence against women. Handling cases of violence against women was the focus of a special judicial unit headed by a female judge, who was authorized to rule on those cases and issue orders for the protection and assistance of victims. Perpetrators of domestic violence were prosecuted.

49. All women in Bahrain had property rights. They could dispose of their assets as they saw fit. No man could take his wife's property without her consent, and the courts could not seize a woman's property if her husband happened to be arrested. In the event of divorce, women were entitled to keep the property that they had brought to the marriage. They could also remain in their house.

50. A bill had been drafted to repeal article 353 of the Criminal Code, under which some perpetrators of domestic violence had been able to escape punishment. The bill was currently before the country's lawmakers.

51. **Mr. Aldoseri** (Bahrain) said that he questioned the credibility of allegations that the country's courts allowed impunity to flourish unchecked. In any event, more information on that and other issues would be provided in writing.

52. **Mr. Aldosari** (Bahrain) said that, under the Constitution of Bahrain, there was a system of separation of powers, which had been reinforced by later legislative developments. The Public Prosecution Office had no master but the law, and the judiciary was fully independent. Judges, who were not permitted to run for elective office, could not be removed arbitrarily. The law ensured that the sentences that they handed down were just.

53. Trials were public unless the judge decided that they should be held in camera to protect victims and witnesses, children in particular. Accused persons had access to a lawyer, who was provided by the State for those who could not afford one. Sentences, which could be appealed, could not be based on information obtained by subjecting defendants to unlawful acts. The Public Prosecutor or the courts could issue orders banning suspects from leaving the country. The aim of those bans, which were resorted to only when necessary, was to ensure that justice was done — by making it less likely that a suspect would abscond, for instance. The bans could be appealed. Allegations of impunity were groundless. The judicial system ensured that crime did not go unpunished, and the commission of torture had been made a crime under the Criminal Code. Measures taken by the Special Investigation Unit of the Public Prosecution Office had led to the commutation of the sentences of more than a hundred prisoners.

54. **Mr. Al Ma'awdah** (Bahrain) said that the country's Office of the Ombudsman had been the first such office in the Persian Gulf region. In 2014, the Office had been awarded the Chaillot Prize for the Promotion of Human Rights in the Gulf Cooperation Council Region. Since July 2013, the Office had received more than 4,000 complaints, many of which had been submitted by detainees. It was thus clear that the Office was a trusted institution.

55. The Special Investigation Unit was responsible for investigating allegations of torture and ill-treatment made against government officials. The Unit's investigations were informed by the Istanbul Protocol. The Unit also had a forensic medicine department. As a result of the Unit's work, 120 police officers, some of whom had eventually been sentenced to quite long prison terms, had been referred to the criminal courts.

56. The Prisoners and Detainees Rights Commission had been established by Act No. 61 of 2013. The Commission monitored conditions in prisons and other detention facilities, including juvenile detention centres. The Commission, whose members were nominated by civil society, the Public Prosecution Office and other stakeholders, worked with complete independence. It had carried out 13 unannounced visits since its establishment, and its visit reports were available on its website.

57. **Mr. de Frouville** said that the delegation should make an effort to reply to the questions asked by Committee members, rather than repeat information that could be found in the State party's initial report. In addition, he wondered whether he had understood correctly that people who raised the issue of the religious make-up of the State party's population could be prosecuted.

58. **Mr. Aldoseri** (Bahrain) said that no one could ever be prosecuted for discussing the religious make-up of the country's population.

59. **Mr. de Frouville** said that he would welcome a specific reply to his earlier question about the State party's reservations to the Covenant. In particular, he wished to know what provisions of law justified those reservations. He also wished to know whether the State party's courts had invoked the Covenant in cases other than the one that had been mentioned.

60. **Ms. Cleveland**, referring to the State party's replies to the list of issues (para. 39), asked what specific jobs were deemed "incompatible with the physiology of women" and whether any exceptions were made to the law prohibiting women from working at night.

61. **Mr. Muhumuza** said that, in view of the troubling information provided by the authorities themselves, he would welcome up-to-date statistics, broken down by facility, on the capacity and occupation levels of the State party's prisons and other detention facilities. It would be interesting to know what measures were being taken to reduce overcrowding and improve prison conditions. The delegation should address reports that detainees were subjected to violence and denied medical care. In that connection, an explanation of the steps that had been taken to ensure that detainees had access to medical care would be especially welcome. The delegation should also explain how the effectiveness of any measures that were taken to improve prison conditions was assessed and describe what efforts, including those made possible by Act No. 18 of 2017 on Penalties and Alternative Measures, were being made to promote alternatives to detention.

62. **Mr. Heyns** said that he would welcome an additional indication of the extent to which the recommendations made by the Bahrain Independent Commission of Inquiry had been acted on. As he had noted earlier, he wished to know how many people had been sentenced to death in the State party and were in its prisons awaiting execution. Lastly, he wondered whether the right to life was enshrined in the country's Constitution and, if not, why not.

63. **Mr. Aldoseri** (Bahrain) said that the Covenant had been invoked in only one case, which had been heard by the Constitutional Court. The additional clarifications that had been requested would be provided either in writing or at the meeting the following morning.

The meeting rose at 5.55 p.m.

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Chair: Mr. Fathalla

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Mr. Fathalla (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial report of Bahrain (continued) (CCPR/C/BHR/1; CCPR/C/BHR/Q/1 and CCPR/C/BHR/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Bahrain took places at the Committee table.*

2. **Mr. Ben Achour**, referring to paragraph 5 of the State party's replies to the list of issues (CCPR/C/BHR/Q/1/Add.1), said that he would like to know which of the stakeholders mentioned in that paragraph — consultative and academic institutes, civil society institutions, trade unions, social and economic bodies and human rights defenders — were currently represented on the Board of Commissioners of the National Institution for Human Rights. He would welcome further information on the number of complaints received and investigations conducted by the Institution since its establishment in 2014. The annual report published by the Institution in 2017 gave the impression that it provided support to the Government, rather than being fully independent; he would like to hear the delegation's views on the matter.

3. He would appreciate clarification as to whether abortion was authorized only if necessary to save the life of the mother. In particular, he wondered whether abortion was possible if the fetus suffered from a grave and life-threatening disorder and whether the Government had considered legalizing abortion in cases of rape.

4. Noting that judges were appointed by the King of Bahrain and approved by the Government and that some judges were appointed for a period of three years only, he asked whether the delegation considered those appointment conditions to be in line with the principle of the independence of the judiciary, which required stability within the profession and procedural guarantees.

5. The Committee had received reports from non-governmental organizations that the judiciary lacked independence, that police officers used arbitrary detention and torture in order to extract confessions and that fair trial guarantees had been violated on numerous occasions; he would like to hear the delegation's response to those allegations. It seemed that civilians were sometimes referred to military tribunals; he wondered whether the Government considered that practice to be in line with the Covenant. In view of reports that torture frequently went unpunished, he would like to know whether those reports were true and what steps were taken to ensure that perpetrators of torture were brought to justice.

6. Although changes had been made to labour legislation to afford greater protection to workers, foreign workers and workers in the domestic services sector continued to face a number of challenges. He would like to know what measures were being taken to ensure the full implementation of Act No. 36 of 2012 on private sector employment and whether the Act applied to foreign workers. He wondered what steps were taken to protect domestic workers from threats or violence and how such workers were made aware of their rights. Lastly, he wished to know what penalties were imposed on companies that exploited foreign workers, particularly under "free visa" regimes, and what measures had been taken to combat child labour.

7. The Committee had received reports of discrimination against the Shiite community, including claims that Shiites were underrepresented in institutions such as the army, that the electoral system was designed in such a way as to weaken the representation of Shiites on municipal and national councils, and that some Shiite dissidents had been stripped of their nationality. The delegation was invited to comment on those reports.

8. **Mr. Heyns** said that it was unclear how many of the complaints of torture received by the Special Investigation Unit had led to convictions; whether any of those convictions had concerned senior officials; and what steps had been taken to follow up on the complaints received by the special independent office in Jau prison.

9. The Committee was concerned about reports of coercive interrogation in Jau prison, Dry Dock prison and the holding facilities of the General Directorate of Criminal Investigation and Forensic Evidence. It had also been informed that there were around 4,000 political prisoners in Bahrain and would like to know whether that figure was accurate.

10. He wondered whether there were plans to adopt legislation that would prohibit corporal punishment at home and in alternative care settings. Lastly, he would appreciate information on the measures taken to ensure that participation in military operations abroad was consistent with article 6 of the Covenant.

11. **Mr. Muhumuza** said that the statistics compiled by the Office of the United Nations High Commissioner for Refugees (UNHCR) contradicted the State party's somewhat disturbing claim that there were no refugees in Bahrain. In addition, UNHCR had reported that there were around 1,000 stateless persons in the country and that refugees, asylum seekers and stateless persons living with HIV/AIDS in Bahrain did not have access to medical treatment. He would welcome information on any plans to establish a national legal framework for the identification and protection of refugees and asylum seekers, as well as any plans to ratify the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. He would also appreciate information on access to medical treatment for refugees, asylum seekers and stateless persons living with HIV/AIDS and on practical measures taken to ensure compliance with the principle of non-refoulement.

12. It would be helpful if the delegation could provide detailed information on the implementation of Act No. 1 of 2008 on trafficking in persons; data on the number of victims who had been assisted by the committee for the assessment of the status of foreign victims of trafficking in persons; and specific information on the impact of the activities of the National Committee to Combat Trafficking in Persons and the Centre for Sheltering Victims of Human Trafficking. He would appreciate information on efforts to ensure that victims of human trafficking had access to justice and protection, as well as disaggregated data on the number of complaints, investigations, prosecutions and convictions relating to human trafficking and reparation provided to victims. In the light of allegations that public officials had been complicit or directly involved in cases of trafficking and forced labour, he wondered what steps were being taken to investigate and respond to those allegations.

13. Lastly, he would like to know whether the Government had shut down all major opposition groups and banned their members from running for office; what steps were being taken to ensure that the 2018 elections were conducted freely and fairly, in accordance with international standards; and, in particular, what was being done to rectify the fact that some major political opponents and activists had been rendered stateless and were thus unable to participate in political life.

14. **Ms. Abdo Rocholl** said that she would appreciate information on the number of travel bans imposed on Bahraini citizens over the previous five years, and the grounds for doing so. The delegation should also provide information on the legal basis for imposing restrictions on movement, and explain why they were necessary to protect national security, public order, public health or morals or the rights and freedoms of others. In the light of the State party's assertion that the restrictions imposed were in line with article 12 of the Covenant, she asked why a large number of human rights activists, opposition figures and journalists had been prevented from travelling during the same period, allegedly to keep them from attending sessions of the Human Rights Council. She also asked what measures were in place to prevent abuse of legal restrictions on freedom of movement; whether cases of abuse were duly investigated; and whether victims were awarded compensation. In order for the Committee to assess the proportionality of those restrictions, detailed information was needed.

15. She wished to learn more about laws allowing for deprivation of citizenship, in particular articles 8–10 of the Nationality Act. The delegation should provide data on the number of persons who had had their citizenship revoked under anti-terrorism legislation and comment on allegations that government critics had been arbitrarily stripped of

Bahraini nationality. The State party had informed the Committee that children of a Bahraini woman married to a non-Bahraini man were "treated on an equal footing with citizens", which was not the same as being granted citizenship. Further information on the legal basis for drawing such a distinction would be appreciated.

16. With regard to the right to participate in public life, she wished to know how frequently elections, other than those to the Council of Representatives, were held and what safeguards were in place to ensure that Shia Muslims were represented in public life on a non-discriminatory basis, including in the National Assembly. She would welcome information on the activities of the National Audit Office in investigating cases of public corruption, as well as on any ensuing prosecutions and their results. The delegation should also provide information on the King's powers to appoint and dismiss members of the Consultative Council, explain how the practice complied with article 25 of the Covenant, and provide data on the number of women in public office. She would welcome clarification of the reported prohibition on non-governmental organizations engaging in politics.

17. **Mr. de Frouville** said that Bahraini legislation governing freedom of expression was extremely restrictive. The acts of spreading false news, insulting the authorities and offending the King, the flag or the national emblem of Bahrain had been criminalized, notwithstanding the Committee's General Comment No. 34, which stated that "all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition".

18. The Committee was concerned about the legal requirements for journalists to obtain a licence to engage with foreign media and for newspapers to obtain a supplementary licence to publish online, as well as about bans on Internet use by persons criticizing the Government, the King or his family. Those laws had given rise to countless proceedings and, between 2011 and 2014, thousands of people had reportedly been arrested for alleged crimes committed in the exercise of their right to freedom of expression. The delegation should provide details of the cases of Qasim Zainal Deen, Ahmed al-Fardan and Faisal Hayyat, who had received varying terms of imprisonment under those provisions, and comment on the alleged reprisals against Bahraini activists attending Human Rights Council sessions, in particular Sayed Ahmed AlWadaei and members of his family and Ebtisam Al-Sayegh. He would also appreciate detailed information about the reasons for the shut-down of the newspaper *Al Wasat* in June 2017.

19. The severe restrictions imposed on the right to peaceful assembly, including the blanket ban on public demonstrations in the capital city, Manama, also gave rise to grave concern, as did the reported criminalization of participants and organizers of demonstrations held outside that highly restrictive framework. He wished to know whether the deaths and arrests linked to the protests in the village of Duraz in May 2017 had been duly investigated, so as to establish whether the use of force had been necessary and proportionate. He would also appreciate information on the number of proceedings instituted in connection with the protests.

20. With regard to the right to freedom of association, the delegation should comment on reports that legislation governing the establishment of political societies and non-political associations and non-governmental organizations was used to repress work by critical associations, either by preventing their establishment or by ordering their dissolution. The delegation should comment in particular on the situation of the Bahrain Centre for Human Rights, two of whose co-founders were currently in prison. He also wished to know on what legal basis the country's main opposition groups, the Al-Wefaq National Islamic Society and the National Democratic Action Society (Wa'ad), had been dissolved. Lastly, the delegation should provide information on the status of the legal proceedings against Nabeel Rajab, Ghada Jamsheer and the "Bahrain 13".

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

21. **Mr. Aldoseri** (Bahrain), replying to the question regarding his Government's intention to lift its reservations to certain provisions of the Covenant, said that the sharia was the primary source of law in his country and the reservations to the Covenant only concerned those aspects of the Covenant that were contrary to the sharia. The reservations

did not affect his country's commitment to implement the Covenant. More time was needed for the examination of those inconsistencies and the Committee would be kept abreast of any developments in that regard. The competent authorities were also exploring options for accession to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. In Bahrain, the death penalty was imposed only for the most serious crimes and could be commuted to life imprisonment or other less severe penalties if mitigating circumstances were present. The death penalty had never been imposed on political activists.

22. When preparing the State party report, the Ministry of Foreign Affairs had held three consultative meetings, which had been attended by representatives of 13, 17 and 21 non-governmental organizations, respectively. Many of those organizations had submitted useful information and the Government was grateful for their contributions. The Supreme Coordinating Committee responsible for drafting the report was composed of representatives of various ministries, the Public Prosecution Office, the judiciary, the Ministerial Committee for Legal Affairs, the security forces, the Office of the Ombudsman and the Special Investigation Unit, thus ensuring broad stakeholder participation.

23. An independent national commission had been established to oversee implementation of the recommendations made by the Bahrain Independent Commission of Inquiry and to prepare progress reports; implementation of the recommendations had been declared completed on 9 May 2016.

24. **Mr. Almoyed** (Bahrain) said that voluntary termination of pregnancy was lawful if supervised by a doctor and necessary to save the mother's life. Articles 321–323 of the Criminal Code regulated the offence of abortion, providing for a term of imprisonment of up to 6 months or a fine for any person self-inducing a termination of pregnancy without the advice and knowledge of a physician. Article 322 of the Code provided for imprisonment of up to 10 years for persons practising a termination of pregnancy on a woman without her consent, in particular where it resulted in the victim's death.

25. Pursuant to article 1 of Act No. 35 of 2009, children of Bahraini women married to non-Bahraini men were treated on an equal footing with citizens. Implementation of that provision was closely monitored by the Ministry of the Interior.

26. The Constitution of Bahrain provided for equal participation of men and women in political life. Women held high-ranking positions in the executive, the judiciary and private sector enterprises. In 2017, there had been four women ministers and 24 per cent of deputy ministers had been women. Female members had accounted for 23 per cent of the Consultative Council, 8 per cent of the National Assembly and 20 per cent of municipal councils. In 2016, there had been six female judges and several women had served as presidents of legislative committees. Bahraini Women's Day was celebrated on 1 December each year.

27. **Mr. Alsowaidi** (Bahrain) said that the Constitution guaranteed freedom of expression so long as the views expressed were not contrary to Islam. The right to freedom of expression was also set forth in the Press and Publications Law promulgated by Legislative Decree No. 47 of 2002 and Law No. 34 of 2014 amending some provisions of Law No. 26 of 2005 with respect to political associations. Accordingly, political associations were allowed to disseminate their views by way of publications, within the limits of legal restrictions on free speech set forth in article 69 bis of the Criminal Code. Similarly, the constitutional guarantee of freedom of assembly was not absolute. Public assemblies must be peaceful and in conformity with the law and public morals.

28. Political refugees were offered comprehensive care and protection from extradition. There were no refugees in Bahrain, and all issues related to migration were addressed in the Aliens Immigration and Residence Act of 1965. Foreign nationals could enter Bahrain if they held valid entry visas and were granted full enjoyment of their rights throughout their stay.

29. No citizen of Bahrain was arbitrarily deprived of his or her nationality. Nationality could only be revoked for treason or other serious crimes stipulated by law; any decision resulting in the loss of citizenship could be appealed. The 1963 Nationality Act defined the

circumstances in which Bahraini nationality might be withdrawn, lost or revoked. In several cases, Bahraini citizenship had been granted to stateless persons who had met the legal requirements for acquiring nationality.

30. **Ms. Abdulrahim** (Bahrain) said that Ministerial Decision No. 14 of 2012 on the Code of Conduct for Police Officers stipulated the conditions for the use of force by public officials. Article 12 of Legislative Decree No. 3 of 1982 concerning the organization of public security forces stated that officials could resort to force only as a last resort. Similarly, Decree No. 24 of 2014 of the Minister of Interior promulgating the basic principles on the use of force and firearms specified that force could be employed only in extreme cases. The Special Investigation Unit within the Public Prosecution Office investigated cases of undue use of force by officials, against whom disciplinary action could be taken. Moreover, the independent Office of the Ombudsman established under Decree No. 27 of 2012 received and examined complaints against law enforcement officials on grounds of alleged reprehensible acts.

31. With regard to persons injured during demonstrations, the Ministry of Interior was committed to implementing the rules laid down in the Criminal Code. Such gatherings were supervised by the Public Prosecution Office and reports were produced on injured persons, to whom immediate medical care was provided.

32. The Ministry of Interior was also committed to developing legislation to improve the performance of police officers with respect to human rights and fundamental freedoms. The Code of Conduct for Police Officers stressed the importance of respecting human dignity. Between 2011 and 2013, over 800 officers had attended workshops and training courses in that regard.

33. Decisions on pretrial detention were taken by the Public Prosecution Office in accordance with the Code of Criminal Procedure, article 57 of which stipulated that arrested persons must be brought before the investigating authority within 48 hours. Pre-trial detainees were held in dedicated facilities, rather than in prisons, and were allowed to receive visitors and contact their families, lawyers and embassies. Official logs were kept on detainees, and injured persons were referred to a doctor. All detention centres were supervised or monitored by government bodies, the Public Prosecution Office and the judiciary.

34. More officers had been employed at the Juw Rehabilitation and Custody Centre. Specially trained nurses were on duty around the clock, medication was administered and examinations were performed as necessary. A special unit was provided for detainees with chronic illnesses, steps were taken to meet the needs of prisoners with disabilities and programmes were run to assist inmates with drug problems.

35. Bahrain was a pioneer in the area of alternative sentencing. Punishments handed down in lieu of imprisonment included restraining orders, electronic tagging and mandatory rehabilitation programmes. In cooperation with the Public Prosecution Office, the Ministry of Interior had recently published a guide on alternative sentencing mechanisms and the various bodies responsible for implementing them.

36. The provisions of Decree No. 24 of 2014 were in keeping with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. They provided a framework for the use of force and firearms and ensured that general security measures were consistent with the freedoms enshrined in legislation.

37. The Independent Commission of Inquiry within the Ministry of Interior received complaints on torture and ill-treatment. It had examined over 1,000 such complaints in the previous three years. Of the 200 or so complaints lodged thus far in 2018, it had itself taken up 38 and had referred 20 to the military courts, 13 to the Office of the Ombudsman and 17 to specialist bodies.

38. The Government had taken a range of measures to promote the rights of the child, including the establishment of a centre for the protection and reintegration of children who had suffered physical and mental abuse. Minors who had broken the law could be sentenced only under specific circumstances in accordance with the Juveniles Act. Convicted minors were placed in juvenile detention centres, not regular prisons, and were enrolled in training

and rehabilitation programmes. Prisons also had separate wings for inmates under the age of 21 years. The Ministry of Interior undertook to provide the necessary material and human resources to align conditions in correctional facilities with international standards.

39. **Mr. Alansari** (Bahrain) said that the Government was taking a number of steps to combat trafficking in persons, in which regard it issued regular reports and statistics. Shelters provided victims of trafficking with secure accommodation and legal assistance and were regularly inspected by a dedicated committee. Reports of reprisals by employers and threats of expulsion were unfounded: the authorities had not received any complaints or conducted any investigations in that regard. Awareness of trafficking in persons had been raised among public officials and training had been provided to law enforcement agents to bolster preventive action. Studies and conferences on the subject had also been organized to enable the relevant government bodies to be more proactive. The Public Prosecution Office was obliged to inform the National Committee to Combat Trafficking in Persons of all cases referred to it so that a forward-looking strategy could be drawn up. Foreign nationals who had been victims of trafficking were permitted to live and work in Bahrain. A trust fund had also been established to provide monthly subsidies to victims until such time as they could support themselves.

40. The 400 or so foreign workers who had staged a demonstration after being adversely affected by the insolvency of their employer had received what they were owed. Foreign workers in Bahrain could join a trade union of their choice and draw unemployment benefits for up to six months. Moreover, under the flexible permit system, they were not tied to any single employer.

41. **Mr. Aldosari** (Bahrain) said that the temporary contracts under which judges were employed merely set out their salaries and entitlements and did not affect their independence in any way.

42. The imposition of travel bans was provided for in article 159 of the Code of Criminal Procedure, article 31 of Act No. 85 of 2006 on the protection of society from acts of terrorism and article 178 of the Code of Civil and Commercial Procedure. Persons subjected to travel bans had the right to appeal.

43. **Mr. Al Ma'awdah** (Bahrain) said that, since July 2013, the Office of the Ombudsman had received over 4,000 complaints, most of which were requests for assistance or advice — a clear sign of the trust placed in it by the general public. The Office published detailed reports of its work on its website.

44. All persons found guilty of committing a crime, including police officers, were held accountable. Indeed, the Special Investigation Unit had asked the criminal courts to rule on cases against more than 120 police officers, some of whom had been sentenced to up to 7 years' imprisonment. The cases of further officers had been heard before the disciplinary courts.

45. The Office of the Ombudsman was committed to ensuring accountability and answerability. For instance, a complaint it had recently referred to the Public Prosecution Office had ultimately been passed to the Court of Cassation for re-examination after the emergence of fresh evidence.

46. **Mr. Bufarsan** (Bahrain) said that foreign journalists and media outlets were able to work in Bahrain after receiving authorization from the Government, while unauthorized foreign journalists could receive a fine of approximately 1,000 Bahraini dinars (BD). As of 2017, there were approximately 40 foreign correspondents resident in Bahrain, although some events could attract up to 300 foreign journalists.

47. The decision to close down *Al Wasat* newspaper had been taken after the paper had published fabricated stories about prominent individuals and violated the law against publishing false information that could incite hatred and sectarian unrest. The paper had the right to challenge the decision before the courts but had not done so.

48. **Mr. Aldoseri** (Bahrain) said that the National Institution for Human Rights, established in 2017, enjoyed financial and administrative independence. Its members, who included experts in the fields of law and human rights, had been chosen to ensure

representation of all sections of society and avoid any conflict of interest. The selection criteria were based on the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Members were provided with legal protection and could not be prosecuted for any criticisms that they made. The Institution was a member of the Global Alliance of National Human Rights Institutions (GANHRI) and provided legal advice to the Ministries of the Interior and Foreign Affairs. In addition to contributing to developing legislation, it had issued reports and helped to establish best practices in human rights.

49. The reliability of reports that people in Bahrain were subjected to discrimination on the basis of their religion or beliefs should be questioned. Bahrain was a multi-ethnic society, and people of different religions were afforded legal protection and freedom to practise their faiths. A centre to promote peaceful coexistence had been established and had hosted conferences and dialogues between representatives of different religions.

50. The right to life was enshrined in the National Action Charter and article 2 of the Constitution, which stated that legislation was based primarily on the sharia, under which the right to life was sacred. Although it had not acceded to the Optional Protocol to the Covenant, the Government remained committed to protecting the right to life as defined in article 6 of the Covenant.

51. **Mr. de Frouville** said that, despite the progress made since the previous meeting, a number of his questions had not yet been answered. He would appreciate information on the specific cases he had mentioned, as well as on the authorization requirements for Bahraini journalists working with foreign media outlets and the closure of *Al Wasat*. In addition, it could be useful for the State party to consider reviewing its reservations to make them more specific and focused.

52. **Mr. Heyns** said that he would appreciate clarification as to why certain rights, including the right to life, were not specifically mentioned in the Constitution. Moreover, he wished to know the extent to which article 6 of the Covenant, including the right to life, was binding on actions taken by the Bahraini military in Yemen.

53. With reference to paragraph 42 of the State party's replies to the list of issues, he wished to know whether any display of affection between two people of the same sex would constitute an offence under the Criminal Code, or whether only affection of a sexual nature would do so.

54. **Mr. Ben Achour** said that he wished to reiterate that Committee members used only sources of information found to be credible and reliable by the Office of the United Nations High Commissioner for Human Rights.

55. **Mr. Muhumuza** said that he commended the legislation introduced by the State party but would welcome additional information on its implementation. He would also appreciate further specific information on terrorism and the situation of refugees.

56. **Mr. Aldoseri** (Bahrain) said that his country would work with the Committee to build on the progress made and achieve full implementation of the Covenant. All new legislation was discussed in parliament and the public sphere, and it could be revised as necessary following its implementation. Although the delegation had chosen to provide its replies using a thematic approach, rather than by mentioning individual cases, information on specific cases could be provided if desired.

57. All media outlets were subject to equal implementation of the law. Regarding *Al Wasat*, the allegations against the paper had been stated by the Public Prosecutor and published in various legal and human rights-related fora. The paper had received three warnings before being closed down and had decided to dissolve of its own volition. Information on authorization for Bahrainis working with foreign media outlets would be provided to the Committee at a later time.

58. The State party would review its reservations on the Covenant, which had been submitted to cover cases where treaty provisions did not comply with Islamic law. Regular reviews were already being conducted of its reservations on the Convention on the

Elimination of All Forms of Discrimination against Women in order to make them clearer and more focused.

59. It should be noted that the absence of an explicit reference to the right to life in the Constitution did not imply that it was not implicitly enshrined therein. Additional information on the right to life would be provided at a later time.

60. Bahraini military forces in Yemen did not act as aggressors but as part of a defence coalition. Military support was provided on the basis of a request from the Yemeni Government and aimed to protect the local population. A number of Bahraini relief agencies provided assistance to Yemeni civilians and acted in accordance with the rules and standards of international humanitarian law.

61. Regarding the rights of lesbian, gay, bisexual, transgender and intersex persons, individuals could be prosecuted for acts considered to offend public decency or to be counter to sharia law.

62. The freedom of religion and belief in Bahrain was widely recognized. Any allegation of discrimination on the basis of religion must be verified in order to avoid national human rights activities being negatively affected by unreliable or politicized sources.

63. Refugees were welcome in Bahrain. Citizens of the Syrian Arab Republic were referred to as "guests", rather than refugees, and were provided with the same education and health care as Bahraini citizens.

64. At the national level, parliamentary elections would be held in late 2018 and the Government was making efforts to ensure that all sections of society would exercise their right to participate in the electoral process.

65. The country's progress in development and human rights reforms had been recognized at the global level. Its moderate and effective foreign policy had achieved a balance between national and regional interests, and the Government would continue to pursue international cooperation to combat crime, including terrorism. The Government hoped to continue its dialogue with the Committee on the basis of credible and unbiased information.

66. **The Chair** said that good progress had been made during the consideration of the State party's report, and that the delegation had provided constructive replies to questions from Committee members. The State party should prioritize the implementation of its legislation in compliance with the Covenant.

The meeting rose at 1 p.m.